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Docket No. PRD2057USNP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael K. Ameriks

Serial No. : 10/825,823

Art Unit: 1625

Filed : April 16, 2004

Examiner:

For : SUBSTITUTED BENZIMIDAZOLES IMIDAZO-[4,5]-PYRIDINES

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

November 4, 2004

(Date of Deposit)

John W. Harbour

(Name of applicant, assignee, or Registered Representative)

(Signature)

November 4, 2004

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the

national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

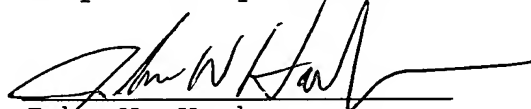
☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

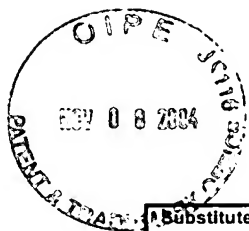
Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/PRD2057/JWH. This form is submitted in triplicate.

Respectfully submitted,



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DATED: November 4, 2004



PTO/SB/08A (08-00)

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 3

Application Number	10/825,823
Filing Date	April 16, 2004
First Named Inventor	Michael K. Ameriks
Group Art Unit	1625
Examiner Name	
Attorney Docket Number	PRD2057USNP

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		5,059,621		Shroot, B. et al. (Centre International de Recherches Dermatologiques)	10-22-1991	
		2003100582	A1	Sircar, J.C. et al. (Avanir Pharmaceuticals)	05-29-2003	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵				
		EP	0148431	A1	Norbert, H. et al. (Dr. Karl Thomae GmbH)	07-17-1985		
		EP	0209707	A2	Muller, E. et al. (Dr. Karl Thomae GmbH)	01-28-1987		
		EP	0719765	A2	Matsunaga, A. et al. (Mitsui Toatsu Chemicals, Inc.)	07-03-1996		
		WO	9806703	A1	Connor, D.T. et al. (Warner-Lambert Company)	02-19-1998		
		WO	9911627	A1	Ohemeng, K.A. and V.N. Nguyen. (Ortho-McNeil Pharmaceutical, Inc.)	03-11-1999		
		WO	9961019	A1	Sircar, J. et al. (Avanir Pharmaceuticals)	12-02-1999		
		WO	9961020	A1	Sircar, J. et al. (Avanir Pharmaceuticals)	12-02-1999		
		WO	9930710	A1	Squibb Bristol Myers Co.	06-24-1999		
		WO	0026192	A1	BASF AG	05-11-2000		
		WO	0153268	A2	Agouron Pharmaceuticals, Inc.	07-26-2001		
		WO	0100587	A1	Smithkline Becham PLC	01-04-2001		
		WO	0198465	A1	Motoyama, N. et al. (Chugai Seiyaku Kabushiki Kaisha)	12-27-2001		
		WO	0121771	A2	Suganuma, M. and T. Kawabe (Canbas Co., Ltd.)	03-29-2001		
		WO	03011219	A2	Rubin, L. et al. (Curis, Inc.)	02-13-2003		
		WO	0393297	A2	Buhr, C.A. et al. (Exelixis Inc.)	11-13-2003		
		WO	0174786	A1	Lowe, C. et al. (Darwin Discovery Ltd.)	10-11-2001		
		WO	0411439	A2	Sun, Q. et al. (Euroceltique S.A.)	02-05-2004		
		WO	0441209	A2	Levy, S.B. et al. (Paratek Pharmaceuticals Inc.)	05-21-2004		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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First Named Inventor	Michael K. Ameriks
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[illegible]

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